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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,749	12/21/2001	Takashi Kakiuchi	M1401.0002/P002	2642

7590 02/16/2005
Dickstein Shapiro Morin & Oshinsky
2101 L Street NW
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EXAMINER

JOHNS, ANDREW W

ART UNIT PAPER NUMBER

2621

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,749

Applicant(s)

KAKIUCHI ET AL.

Examiner

Andrew W. Johns

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

5 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 4/1 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10 Regarding claim 1, the phrase "such as" (in line 2) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Similarly, the phrase "or the like" (also in line 2) renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See M.P.E.P. § 2173.05(d).

15 Claim 4 is multiply-dependent in part on claim 1, and to the extent that it is dependent on claim 1, it is likewise indefinite.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

20 A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 25 4. Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ooshima (JP 9-259277 A).

Ooshima teaches an image recognition device for preventing counterfeiting of prohibited copying documents such as banknotes and valuable securities and the like (paragraph [0004] in the machine translation), including a fluctuation producing portion which produces fluctuation information for changing recognition results in order to avoid mis-recognition which is caused by mistakenly recognizing an object that is not a detection object as being a detection object (paragraph [0012] in the machine translation; different offset values are to improve the recognition results); and an image recognition portion which carries out an image recognition process on supplied image data by taking into account the fluctuation information produced by said fluctuation producing portion (21 in Figure 6; paragraphs [0033] to [0036] in the machine translation), as required by claim 1. In addition, Ooshima also teaches an output portion which outputs recognition results of said image recognition portion (line 5 in paragraph [0042] of the machine translation), as further required by claim 2; and a recognition dictionary for carrying out an image recognition process on supplied image data (paragraph [0040] in the machine translation), as further stipulated in claim 3. With respect to claim 4, Ooshima further teaches an image forming device equipped with a device main body (Figure 1) which carries out a prescribed image conversion process on supplied image data information (paragraphs [0015] through [0021] of the machine translation) and carries out a prescribed printing process (paragraphs [0023] through [0029] of the machine translation), including the image recognition device defined above, the suitability of a normal output of said device main body is judged based on the recognition results of said image recognition device (paragraph [0043] in the machine translation). Finally, Ooshima also teaches a recording medium which can be read by a computer and which stores a program that can perform the processing set forth above (paragraph

[0049] in the machine translation. Therefore, Ooshima meets each of the limitations of these claims and anticipates the claimed invention.

Conclusion

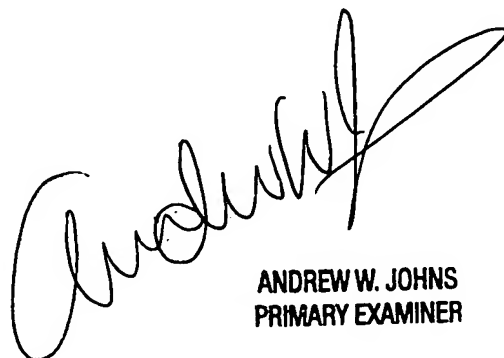
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al. teaches determining document authenticity. Fu et al. uses plural threshold values in a pattern recognition technique.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (703) 305-4788. The examiner is scheduled to move to the Alexandria Headquarters on 28 March 2005. After the move, the examiner's telephone number will be (571) 272-7391. The examiner is normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time. The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for this art unit is (703) 872-9306. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (703) 305-4700.

A. Johns
14 February 2005



ANDREW W. JOHNS
PRIMARY EXAMINER